

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

UNITED STATES OF AMERICA §
§
v. § CRIMINAL NO. 4:05CR199 MAC/DDB
§
PEGGY GALLIMORE DUKE (6) §

**AMENDED REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the request for revocation of Defendant's supervised release.

After the District Court referred the matter to this Court for a report and recommendation, the Court conducted a hearing on January 19, 2016 to determine whether Defendant violated her supervised release. Defendant was represented by Frank Henderson. The Government was represented by Andrew Stover.

On September 7, 2006, Defendant was sentenced by the Honorable Richard A. Schell, United States District Judge, to a sentence of 81 months imprisonment followed by a 5-year term of supervised release for the offense of Conspiracy to Manufacture, Distribute or Possess with Intent to Manufacture Distribute or Dispense Methamphetamine. Defendant began her term of supervision on December 5, 2011. This case was transferred to the Honorable Marcia A. Crone on November 3, 2015.

On January 8, 2016, the U.S. Probation Officer filed a First Amended Petition for Warrant or Summons for Offender under Supervision (the "Petition") (Dkt. 283). The Petition asserts that Defendant violated the following conditions of supervision: (1) Defendant shall not commit another federal, state, or local crime; (2) Defendant shall report to the probation officer as directed by the Court or probation officer, and shall submit a truthful and complete written report within the first

five days of each month; (2) (sic) Defendant shall notify the probation officer ten days prior to any change of residence or employment; (3) Defendant shall participate in a program of testing and treatment for drug abuse, under the guidance and direction of the U.S. Probation Office, until such time as Defendant is released from the program by the probation officer; and (4) Defendant shall be required to repay delinquent child support at no less than ten percent of her gross monthly income or amount determined by the Texas State Attorney General's Office if that agency has an active plan to collect this money.

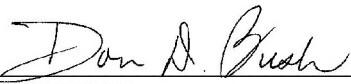
The Petition alleges that Defendant committed the following violations: (1) On or about October 22, 2015, Defendant committed the state jail felony offense of forgery. A warrant was issued by Tyler Police for that offense on October 26, 2015; (2) Defendant failed to submit a report for the months of October 2015, November 2015, and December 2015, and those reports were due within the first five days of each month. On or about September 16, 2015, Defendant moved from her residence to a residence unknown to the probation officer; (3) Defendant failed to report for drug testing as required of the Random Drug Testing Program on October 28, 2015, and November 5, 2015; and (4) Defendant failed to make child support payments in 2015, for the months of May, June, July, August, and September.

At the hearing, Defendant entered a plea of true to allegations two, two and three. Defendant waived her right to allocute before the district judge and her right to object to the report and recommendation of this Court. The Court finds that Defendant has violated the terms of her supervised release.

RECOMMENDATION

Pursuant to the Sentencing Reform Act of 1984 and having considered the arguments presented at the January 19, 2016 hearing, the Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of twelve (12) months and one day, with no supervised release to follow. The Court further recommends that Defendant's term of imprisonment be carried out in FCI Carswell, if appropriate.

SIGNED this 30th day of January, 2016.



DON D. BUSH
UNITED STATES MAGISTRATE JUDGE